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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 JOSE ENCARNACION MAYO RODRIGUEZ,
15 Defendant.

16 Case No.: 2:19-cr-0231-01 WBS

17 ORDER TO CONTINUE SENTENCING
HEARING AND MODIFY PRESENTENCE
INVESTIGATION REPORT DISCLOSURE
SCHEDULE

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19 Court: Hon. William B. Shubb
Date: September 22, 2025

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22 This matter is currently set for a Sentencing Hearing on September 22, 2025. Defendant
23 Jose Mayo Rodriguez (hereafter “Defendant Mayo”) requests to continue the Sentencing Hearing
24 to December 22, 2025, at 10:00 a.m. Defendant Mayo has completed his probation interview,
25 and the Probation Department has disclosed to the parties a draft Presentence Investigation

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27 ORDER CONTINUING SENTENCING
HEARING AND MODIFYING PSR
DISCLOSURE SCHEDULE

1 Report (PSR).

2 Defendant Mayo is in custody at the Wayne Brown Correctional Facility (WBCF) in
3 Nevada City. WBCF is approximately sixty-five miles from the federal courthouse. Defendant
4 Mayo is a native Spanish speaker. While his English skills are good, he requires the assistance
5 of a Spanish language interpreter to discuss the PSR and other matters related to preparation for
6 the sentencing hearing.

7 Defendant Mayo's Plea Agreement permits him to argue for whatever sentence he and
8 his counsel deem appropriate. Defense counsel intends to present mitigation statements from Mr.
9 Mayo's family members, the majority of whom are Spanish speakers. These family members
10 live in Michigan and Mexico. A mitigation specialist is prepared to conduct interviews with
11 Defendant Mayo's family members with the assistance of a Spanish language interpreter. The
12 mitigation specialist may need to travel to Michigan to obtain documents and records relevant to
13 sentencing. Defense counsel, the mitigation specialist, and a Spanish interpreter will need to
14 travel to WBCF for sentencing preparation meetings with Defendant Mayo.

15 As of early July 2025, and continuing to the present time, Congress has failed to approve
16 supplemental funding to pay attorneys, investigators, and interpreters working on matters
17 pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A (hereafter "CJA"). CJA payments to
18 attorneys, investigators, and interpreters working on behalf of indigent defendants in federal
19 cases is not expected to occur until, at the earliest, the beginning of the new fiscal year on
20 October 1, 2025. This includes reimbursement of travel expenses. A potential government
21 shutdown may delay payments even longer than October 1, 2025, unless the House of
22 Representatives and the Senate approve additional government funding in late September.

23 ORDER CONTINUING SENTENCING
24 HEARING AND MODIFYING PSR
25 DISCLOSURE SCHEDULE

The practical result of the funding situation in this case is that it results in uncertainty as to when the investigator/mitigation specialist and interpreter will receive payment for services performed and for their reimbursable expenses. The same is true for professional services rendered by defense counsel in the case. On that basis, defense counsel requests to continue the Sentencing Hearing and to partially modify the PSR disclosure schedule as follows:

Informal Correction Request Due: November 24, 2025

Final PSR Due: December 1, 2025

Motion for Correction Due: December 8, 2025

Reply Date: December 15, 2025

Defense counsel believes that the current CJA funding situation constitutes good cause for the request. The assigned probation officer has confirmed his availability on the requested date.

The request follows a guilty plea so an exclusion of time pursuant to the Speedy Trial Act is not required. The government does not oppose the request because the procedural posture of the case does not impact on the public's interest in a speedy trial. Assistant U.S. Attorney David Spencer has authorized Todd D. Leras via email to sign this stipulation on his behalf.

DATED: September 15, 2025

By /s/ Todd D. Leras for
DAVID W. SPENCER
Assistant United States Attorney

DATED: September 15, 2025

By /s/ Todd D. Leras
TODD D. LERAS
Attorney for Defendant
JOSE MAYO RODRIGUEZ

**ORDER CONTINUING SENTENCING
HEARING AND MODIFYING PSR
DISCLOSURE SCHEDULE**

ORDER

GOOD CAUSE APPEARING BASED ON THE REPRESENTATIONS OF DEFENSE COUNSEL, the Sentencing Hearing, set for September 22, 2025, is vacated. A new Sentencing Hearing is set for **December 22, 2025, at 10:00 a.m.** The Court adopts the modified PSR disclosure schedule proposed by the parties.

IT IS SO ORDERED.

Dated: SEPTEMBER 15, 2025

William H. Shubert

WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE

**ORDER CONTINUING SENTENCING
HEARING AND MODIFYING PSR
DISCLOSURE SCHEDULE**